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LETTER DATED 4 MARCH 1997 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In connection with the consideration by the Security Council of the report of the Secretary-General on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) (S/1997/148), upon the instructions of my Government I have the honour to inform you of the following:

On the eve of the elections, the situation in Eastern Slavonia, Baranja and Western Sirmium is becoming ever more uncertain and tense. This has been brought about by the inconsistent application and even outright flouting by the Croatian Government of its commitments under the Basic Agreement, relevant Security Council resolutions, presidential statements and its own oral guarantees to the Transitional Administrator and the commitments it has given in its letter of intent of 13 January 1997. This gives little cause to the local Serbs to believe that Croatia is willing to integrate the region in accordance with the said provisions and leads them to leave the region in an ever greater number.

As regards the upcoming elections, which are the centrepiece of the Basic Agreement, the Federal Republic of Yugoslavia has always supported the view of the Security Council that their organization and holding is the charge of UNTAES and that they should be made contingent on the assessment that conditions have concurred for them to be free and fair.

It would be improper for the Security Council to put pressure on the local Serbs to collect the necessary election documents and fully participate in the elections at a time when the Secretary-General says in his report that the issuance of documents by the Croatian Government is irregular and uneven. The Secretary-General goes on to say that "psychological harassment from the Croatian side in the form of television and media propaganda, telephone calls and hate mail undermines confidence" of the local Serbs. The Special Rapporteur of the Commission on Human Rights on the situation of human rights in the former Yugoslavia, Ms. Elisabeth Rehn, has also said that the Croatian Government is not issuing the necessary documents to the local Serbs, while many

non-governmental organizations from the field are warning that Croatian offices in the region are deliberately delaying issuance of those documents.

Of particular concern is the fact that the rights of about 500,000 Serbs from Krajina and Western Slavonia, 350,000 of whom have found refuge in the Federal Republic of Yugoslavia, are being totally ignored, and the Security Council has not obligated Croatia to allow them to participate in the election process as well. It is certainly hard to explain this approach to the issue by the Security Council, in the light of the statement made by the Presidency of the European Union on 11 February 1997 (A/52/78-S/1997/133, annex) to the effect that "the European Union also reaffirms the right of the Serbian refugees from Croatia at present living in neighbouring countries to obtain citizenship, return safely and participate in future elections". This stance is corroborated by the United States Ambassador to Croatia, Mr. Peter Galbraith, who recently said that the Croatian authorities were making a serious mistake in not allowing the return of the Serbs who had lived in Croatia.

Croatia has imposed numerous administrative obstacles on the return of Serbian refugees, both at its office in Zagreb and at its Embassy in Belgrade. This proves beyond any doubt that Croatia promises one thing while in reality it does quite the opposite. Not only does such policy prevent the return of Serbs to their ancestral homes, but it also puts pressure on the remaining Serbs in Eastern Slavonia to leave the region.

The anxiety of the Serbs and the root cause of their increasing departure from Eastern Slavonia are to be found in the general perception that the intention and final objective of the Zagreb authorities is to ethnically cleanse Croatia of Serbs. The question of the confidence of the Serbs in Eastern Slavonia is inseparable from the policy and practice of Croatia towards its Serbian population forced to flee their homeland. In order to earn the trust of the local Serbs, Croatia must effectively assure the return of Serbian refugees from other parts of Croatia and allow them to participate in the local elections. The attempts to cloud the real cause of, and shift the responsibility for, the deteriorating situation in the region onto some elements of the Serbian community, which are allegedly creating an atmosphere of uncertainty, are therefore incorrect and unhelpful. Such an attitude will only encourage Croatia to continue its double-track policy.

Proceeding from the above, and taking into account the increasing tension in the region owing to the failure of the Government of Croatia to earn the necessary trust of the Serbs of the region and the continued resistance of Croatia to accept the return of a substantial number of refugees, it is incumbent on the Security Council to adopt a relevant resolution, as hitherto the presidential statements have, unfortunately, proved less than effective.

The Security Council resolution should contain the following elements:

(a) A request that Croatia accept the justified demands of the local Serbs concerning the administrative structure of the region, preventing the fragmentation of the Serbian community and guaranteeing its lasting protection and effective participation in the future administration of the region;

(b) The Security Council should call upon the Government of Croatia to apply the Amnesty Law fairly and consistently to all persons subject to its jurisdiction. Croatia should be prevented from continuing its policy of intimidation of the Serbian population;

(c) The Security Council should make it quite clear that the organization and holding of local elections in the region is under the exclusive jurisdiction of UNTAES and that Croatia has neither direct nor indirect influence;

(d) The United Nations Transitional Administrator should ensure direct control of the process of the issuance of documents necessary for the elections, as well as the control of all statistical data vital for the assessment that the conditions have been created for free and fair elections;

(e) A demand that Croatia urgently issue relevant election documents to all the Serbs from Croatia, both residents of the region and the refugees and displaced persons who have found refuge either in the Federal Republic of Yugoslavia, the Republic of Srpska or in other countries in Europe;

(f) The principle that the holding of the elections is dependent on the assessment that conditions have concurred for them to be free and fair must be upheld;

(g) The right of the Serbian refugees from Croatia to participate in the elections should be reaffirmed. The Organization for Security and Cooperation in Europe (OSCE) and other international organizations should be called upon to provide logistical and other assistance, as was the case in Bosnia and Herzegovina;

(h) Croatia should allow the free and safe return of all refugees and displaced persons under the supervision of relevant international organizations, primarily the Office of the United Nations High Commissioner for Refugees (UNHCR);

(i) The Security Council should call upon OSCE and relevant governmental and non-governmental organizations to set up an adequate and lasting monitoring network for Eastern Slavonia, Krajina, Western Slavonia and other areas in Croatia in which the Serbs lived and to which they are expected to return in substantial numbers.

We expect that by adopting such a resolution the Security Council will exert more effective influence on Croatia to implement consistently and fully, under the control of the Security Council, the commitments it has taken unilaterally, in its letter of intent or orally to the Transitional Administrator, or has been obligated to by the Basic Agreement and the relevant resolutions and other decisions of the Security Council.

I should be grateful if you would kindly have this letter circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.